

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID A. PATTERSON,

Plaintiff,

v.

Case No. 2:05-cv-177
HON. GORDON J. QUIST

RUDOLPH KLEEMAN, et al.,

Defendants.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on August 8, 2007. The Report and Recommendation was duly served on the parties. The Court has received objections from Plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff clearly failed to exhaust six of his grievances. Plaintiff failed to follow instructions on rejected grievances, and failed to follow proper procedures to exhaust his grievances. Plaintiff's claim that Defendant Wickstrom issued a false misconduct report is not cognizable in federal court until Plaintiff first overturns his conviction on the misconduct report. Similarly, Plaintiff has failed to support his Eighth Amendment and conspiracy claims.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #97) is approved and adopted as the opinion of the Court.

Dated: September 28, 2007

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE